

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Andrew Carr,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 1:17-CV-00620
)	Judge Nugent
Detective Alfred Johnson,)	
et al.,)	
)	
Defendants.)	

- - -

Deposition of Derrick Carr, a witness herein,
called by the Defendant Detective Alfred Johnson for
cross-examination pursuant to the Federal Rules of
Civil Procedure, taken before Constance Versagi,
Notary Public in and for the State of Ohio, at Burke
Lakefront Airport, 1501 Marginal Road, Cleveland,
Ohio on Thursday, August 23, 2018, commencing at
12:03 p.m.

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1 APPEARANCES:

2 On behalf of the Plaintiff:

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11 On behalf of the Defendant Det. Alfred Johnson:

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23 and Keith Kulak and City of Solon:

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1 APPEARANCES:

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9 On behalf of the Defendant Southeast Area Law
10 Enforcement Network:

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WITNESS:

CROSS

Derrick Carr

By Mr. Bacevice

5

By Mr. Latchney

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- - -

(No exhibits marked.)

- - -

1 DERRICK CARR
2 of lawful age, being first duly sworn, as
3 hereinafter certified, was examined and testified
4 as follows:

5 CROSS-EXAMINATION

6 By Mr. Bacevice:

7 Q Good afternoon. Can you please state and
8 spell your name for the record?

9 A My name is Derrick Carr.

10 Q Can you please spell that?

11 A D E R R I C K, C A R R.

12 Q Mr. Carr, my name is Jack Bacevice. I'm an
13 attorney with the City of Cleveland. I
14 represent now Sergeant Alfred Johnson. I will
15 be taking your deposition this afternoon.
16 Have you ever had your deposition taken
17 before?

18 A Yes, sir.

19 Q In what context, what type of case?

20 A March 13th I think, 2006, my stepkids' father
21 entered the house and there was an
22 altercation. He filed a lawsuit for \$100,000.

23 Q That was Mr. Menefield?

24 A Yes.

25 Q It's been a little while. I'm going to go

1 Andrew went out to Eastlake, because one of
2 the officers took his CCW license from him.
3 When he went out to Eastlake to have his CCW
4 license renewed because it was at the house,
5 it wasn't returned to him. That's in
6 September when he got out. When he went to
7 Eastlake, to the Sheriff's Department, they
8 told him that they were not aware that his
9 license had been suspended. They would need
10 to do some checks and have it returned to him.

11 Probably a week later, he got a letter
12 from the Sheriff's Department, saying that his
13 gun license was suspended as of sometime in
14 October or something like that.

15 Q The Lake County Sheriff?

16 A Yes.

17 Q The people you saw outside, the officers, how
18 were they dressed?

19 A They were in camouflage. If I was given an
20 opportunity to open the door, I would have.
21 Once that person turned the firearm on me, I
22 am about to be shot, I dive on the floor. As
23 soon as I hit the floor, someone was standing
24 on my neck.

25 Q Your testimony is that the clothing they were

1 wearing did not say police on it?

2 A Sir, I saw camouflage. I wasn't standing
3 there long enough to fully identify if it said
4 police or not. I recognized them to be police
5 officers, but I was not given an opportunity
6 to move from my front window, to open my door.

7 Q I appreciate that. In that first moment you
8 did not have the opportunity. You just
9 reacted quickly?

10 A Yes.

11 Q I get that. It was a while. There were times
12 you were outside speaking with them?

13 A No, I recognized them as police officers.

14 Q Eventually you did see they had police --

15 A Once they were standing on my neck, I realized
16 that they were police officers. The flash
17 bang grenade was already going off. There was
18 smoke all over the house. I was the only
19 person downstairs at that time.

20 Q Were you handcuffed?

21 A Yes, I was.

22 Q You were never charged with any crime?

23 A No.

24 Q You were released.

25 You testified earlier that you retired

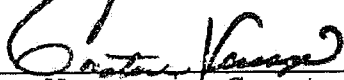
1 State of Ohio,)
2 County of Cuyahoga.) SS: CERTIFICATE

3 I, Constance Versagi, Court Reporter and
4 Notary Public in and for the State of Ohio, duly
5 commissioned and qualified, do hereby certify that
6 the within named witness, Derrick Carr,
7 was by me first duly sworn to testify the truth, the
8 whole truth, and nothing but the truth in the cause
9 aforesaid; that the testimony then given by him was
10 by me reduced to stenotypy/computer in the presence
11 of said witness, afterward transcribed, and that the
12 foregoing is a true and correct transcript of the
13 testimony so given by him as aforesaid.

14 I do further certify that this deposition was
15 taken at the time and place in the foregoing caption
16 specified, and was completed without adjournment.

17 I do further certify that I am not a relative,
18 counsel, or attorney of either party, or otherwise
19 Interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my seal of office at Cleveland,
22 Ohio, on this 5th day of September, 2018.

23 
24 Constance Versagi, Court Reporter and
25 Notary Public in and for the State of Ohio.
My Commission expires January 14, 2023.

